

Permit Guidance

DNR Forest Practices Permits Frequently Asked Questions

Question: Does WSDOT need a Forest Practice Application/Notification (FPA/N) for clearing or maintaining a developed ROW?

Answer: No. ***Developed*** Right of Ways (ROWs) are not considered forest land, and are not jurisdiction of Forest Practices. RCW 79.09.020 defines “Forest Lands” as “all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing”. The Department of Natural Resources (DNR) considers WSDOT ROWs that have a road, facility, or WSDOT owned structure on them “developed”, and thus the property is not subject to the FPA/N requirement.

Does WSDOT need a FPA/N for clearing a new or undeveloped ROW?

Answer: Maybe. If the trees are located on forest land as defined in RCW 79.09.020, and the new ROW is “undeveloped”, then a FPA/N is required if the stand is considered “merchantable”.

The definition of “Forest Lands” includes the concept of “merchantable timber”. Merchantable timber is defined as “a stand of trees that will yield logs and/or fiber: (a) suitable in size and quality for the production of lumber, plywood, pulp or other forest products; (b) of sufficient value to at least to cover all the costs of harvest and transportation to available markets”. A FPA/N may not be required on a new/undeveloped ROW if the stand(s) were of such low quality that we could not at least cover the cost of removal (i.e., it doesn’t meet the definition of merchantable).

Class IV FPPs - New construction projects would be considered a conversion from forest land to a use incompatible with growing trees. Conversions are class IV. Should and FPA/N be required, it is issued to the landowner; however it is signed by the land owner, timber owner, and operator.

Legislature historically directed all counties to handle all Class IV applications. To date, only King, Clark, Spokane, and Thurston Counties have complied. When all other counties comply is unknown. Therefore, if you have questions regarding the need to obtain a Class IV permit in a new/undeveloped ROW, you should consult the regional DNR rep. In some cases, DNR may make the call on whether a FPA/N is needed; in other cases, that decision may be directed to the County.

Part of the decision regarding the need for a FPA/N, is whether or not the property is incompatible with growing timber. Current and planned land use play into the compatibility of the property with timber growing. DNR may refer to local governments to help make that call. Attached is the DNR Region Map.

Question: Is an FPA/N required on federal lands?

DNR has responded that they do not assert jurisdiction on federal land. The classification for activities inside the national park boundary means private land inside the park boundary is regulated, not federal land.

Question: Does WSDOT need a FPA/N for removing danger trees located outside the ROW?

Answer: Probably not. (WAC 222-16-050 (3)(k) If we are cutting and/or removing less than 5,000 board feet of timber, per land owner, (including live, dead, and down material) for personal use (i.e., firewood, fence post, etc.) in any 12-month period, and if not within the Columbia River Gorge National Scenic Area, then no FPA/N is required. DNR responded that “personal use” for WSDOT would essentially mean that we are not selling the cut danger trees for profit.

Question: What do I in an emergency situation if I suspect I need a FPA/N?

Answer: Do your project, and let DNR know what was done, and why, within 48hrs to determine if a FPP was/was not needed. No prior notification or application shall be required for emergency forest practices necessitated by and commenced during or immediately after fire, flood, windstorm, earthquake, structural failure, or other catastrophic event (WAC 222-20-070).

Question: How long is the FPA/N valid?

Answer: 2 years.

Question: Does DNR do compliance inspections?

Answer: No, there is no formal inspection schedule. Inspections are generally not done unless a violation is noticed (by chance) by a DNR representative or a third-party compliant is registered. After an inspection, DNR can explain the findings to WSDOT staff, and document the conversation on an Informal Conference Note.

Question: Who can I contact for questions on the FPA/N?

Sometimes it takes a field visit and a forester’s best professional judgement to determine whether the project is on forest land. The DNR encourages contacting their local regional offices. DNR’s regional office map and contact info can be found at

<http://www.dnr.wa.gov/base/regions.html>

DNR’s statewide contact is Kathy Murray (360) 902-1414